EPA Regulated Products and PFAS Including Pesticides

Presented to:

Chem Watch

PFAS Updates 2021 Conference

June 23, 2021

Overview

- Agency priorities
- Activities related to chemical regulation
- Complex scientific issues
- Current activities

Agency Priorities

- Memo issued in April 2021 by EPA Administrator Regan

  https://www.epa.gov/sites/production/files/2021-04/documents/pfas-and_polyfluoroalkyl_substances.memo_.signed.pdf

- Highlights
  - National primary drinking water regulation
  - Wastewater treatment for 29 PFAS
  - EPA Council on PFAS (ECP)
  - Build on 2019 EPA PFAS Action Plan
- General Info https://www.epa.gov/pfas

EPA Council on PFAS - Focus

- Develop multi-year strategy (2021-2025)
  - Initial recommendations within 100 days
- Coordination on regional and cross media issues to better assist state, local and tribal communities on PFAS issues
- Coordinate and maximize available funding for clean up activities
- Enhance engagement with partners to ensure consistent communications

Activities Related to Chemical Regulation

- EPA addresses chemicals issues in its Office of Chemical Safety and Pollution Prevention (OCSPP)
  - Key statues –
    - TSCA – Toxic Substances Control Act
    - FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act
- Notable Activities
  - Pesticide container issues

https://www.epa.gov/pesticides/pfas-packaging

  - Section 21 Petition – Cape Fear River

https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/support-documents-pfas-testing-section-21-petition

  - TRI Listing
  - Section 8 Rule

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Pesticide Container Issue

- General information is publicly available

https://www.epa.gov/pesticides/pfas-packaging

- Pesticide program laboratory developed analytical methods and is conducting testing
  - 8 PFAS identified so far on website
- NGO Citations

https://www.peer.org/?s=pfas
https://www.eenews.net/assets/2021/03/26/document_gw_01.pdf

- Evaluating for industrial chemicals as well

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Section 21 Petition

- Multiple organizations submitted petition in October 2020 focused on levels in the Cape Fear river in North Carolina

https://www.epa.gov/sites/production/files/2020-10/documents/chemours_pfas_testing_petition_final.pdf

- Identified 54 PFAS chemicals
  - Asked EPA to require testing
- EPA denied petition because the facts necessary to determine for each of the 54 PFAS were insufficient to justify testing

Toxic Release Inventory (TRI)

- Background information on TRI is available

https://www.epa.gov/toxics-release-inventory-tri-program

- Chemicals are listed because they have acute or chronic human health effects or can cause adverse environmental effects
- 172 PFAS added based on NDAA for FY2020

https://www.epa.gov/toxics-release-inventory-tri-program/list-pfas-added-tri-ndaa

- Additional chemicals being screened for possible future addition

Section 8 Proposed Rule

- Will require manufacturers and importers to report information for many PFAS
  - Uses, production volumes, disposal, exposures and effects
- Will enhance EPA's ability to characterize PFAS use and manufacturing
- Will help focus EPA's PFAS research, monitoring and regulatory efforts
- TSCA Section 8(a)(7)

Complex Scientific Issue

- Definition of PFAS is unsettled with multiple approaches, the OCSPP working definition is:

  "a structure that contains the unit R-CF2-CF(R')(R"), where R, R', and R" do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included)"

  https://www.epa.gov/pesticides/pfas-packaging

- Definition impacts the universe of chemicals for consideration
- Level of supporting data ranges from minimal to more heavily studied
- Exposure is related to a large number of conditions of use/scenarios
- Varied hazard profiles are anticipated

Categories Add To Complexity

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Current Activities

- OCSPP is coordinating with the EPA and external organizations as appropriate
- Laboratory efforts on container issues
- Involved in scoping and data gathering activities
  - Identify chemicals of interest across activities
  - Group by chemical category
  - Identify available data for each
- Testing strategy development
- EPA Council on PFAS

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